EXHIBIT 76

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Attorneys for Defendants
RIMINI STREET, INC. and SETH RAVIN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANT RIMINI STREET INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' SECOND SET OF
REQUESTS FOR ADMISSIONS TO
DEFENDANT RIMINI STREET, INC.**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Rimini Street, Inc.

("Rimini Street"), by and through its undersigned counsel, responds to Oracle USA, Inc., Oracle

America, Inc., and Oracle International Corp.'s ("Oracle") Second Set of Requests for

Admissions ("Requests").

4726677 v1   DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS

1

GENERAL OBJECTIONS

2   The following General Objections shall be deemed incorporated into the objections

3   and Responses to each and every specific Request for Admission. To the extent that specific

4   General Objections are cited in a specific Response, those specific objections are provided because

5   they are believed to be particularly applicable to the specific Request. If Rimini Street specifically

6   refers to General Objections in a Response, Rimini Street does not intend to waive any other General

7   Objection applicable to information falling within the scope of the Request.

8   1.   Rimini Street objects to Plaintiff's Requests to the extent that Plaintiff seeks to

9   require Rimini Street to provide any information beyond what is available to Rimini Street at present

10 from a reasonable search of its own files and a reasonable inquiry of its present employees likely to

11 have the information necessary to admit or deny these requests.

12   2.   Rimini Street objects to Plaintiff's Requests to the extent that Plaintiff seeks to

13 impose on Rimini Street any other obligation not imposed by the Federal Rules of Civil Procedure or

14 the Local Rules for the District of Nevada.

15   3.   Rimini Street objects to the disclosure of information protected by the

16 attorney-client privilege and/or work-product immunity.

17   4.   Rimini Street objects to Plaintiff's Requests to the extent they call upon

18 Rimini Street to admit or deny information that is irrelevant to the subject matter of this action.

19 Rimini Street does not concede that any Request to which it responds is relevant to the subject

20 matter of this litigation.

21   5.   Rimini Street objects to these Requests to the extent they contravene the

22 purposes underlying Federal Rule of Civil Procedure 36 to narrow the issues in this case and

23 facilitate proof with respect to issues that can be eliminated. By way of example and without

24 limitation, Rimini Street objects to these Requests to the extent they seek admissions related to

25 highly contested issues, rather than admissions related to non-contested issues that could narrow the

26 issues in this case. Rimini Street also objects to these Requests to the extent they seek admissions

27 related to unidentified materials, which would not facilitate proof relating to issues that can be

28 eliminated from this case.

1   6.   Rimini Street objects to these Requests to the extent they contain vague,

2 ambiguous, and non-specific statements.

3   7.   Rimini Street objects to these Requests to the extent they cannot be admitted

4 or denied without providing commentary.

5   8.   Rimini Street objects to the definition of the phrase "more than a de minimis

6 or trivial amount of protectable expression" to the extent they seek to incorporate legal conclusions.

7   9.   Rimini Street objects to the definitions of the terms "Complete or Partial

8 Copy", "Environment," "Oracle Database Software," "Oracle Enterprise Software," and "Software

9 and Support Materials" to the extent that, when read together, the definitions are convoluted and

10 circular.

RESPONSES

12   **REQUEST NO. 19:**

13   Admit that each Environment identified in your responses to Interrogatories No. 20

14 and 21 (save for those which the stated version information in your response is "No Siebel")

15 embodies more than a *de minimis* or trivial amount of protectable expression from at least one of the

16 registered works.

17   **RESPONSE:**

18   *See* General Objections. Rimini Street further objects to this request as improper

19 under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission

20 on the legal significance of the term "more than a *de minimis* or trivial amount of protectable

21 expression." Subject to those objections as well as Rimini's defenses of license, estoppel and waiver

22 and Oracle's course of conduct, Rimini Street admits that each Environment identified in its

23 responses to Interrogatories No. 20 and 21 (save for those which the stated version information in

24 your response is "No Siebel") embodies more than a trivial amount of protectable expression from at

25 least one of the registered works.

26   **REQUEST NO. 20:**

27   Admit that each Environment identified in your responses to Interrogatories No. 20

28 and 21 as containing PeopleSoft-branded Oracle Enterprise Software contains at least 100 COBOL,

- 3 -

1   SQR, SQC, or DAT files.

2   **RESPONSE:**

3   *See* General Objections. Rimini Street further objects to this request as vague and

4   ambiguous. In responding, Rimini interprets the phrase "at least 100 COBOL, SQR, SQC, or DAT

5   files" to mean *collectively* at least 100 COBOL, SQR, SQC, or DAT files, as opposed to at least 100

6   files of each type. Subject to those objections as well as Rimini's defenses of license, estoppel and

7   waiver and Oracle's course of conduct, Rimini Street responds: Admitted.

8   **REQUEST NO. 21:**

9   Admit that each Environment identified in your responses to Interrogatories No. 20

10   and 21 as containing PeopleSoft-branded Oracle Enterprise Software contains at least 10 COBOL,

11   SQR, SQC, or DAT files, each of which embodies more than a *de minimis* or trivial amount of

12   protectable expression from at least one of the registered works.

13   **RESPONSE:**

14   *See* General Objections. Rimini Street further objects to this request as improper

15   under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission

16   on the legal significance of the term "more than a *de minimis* or trivial amount of protectable

17   expression." Subject to those objections, Rimini Street denies that any single COBOL, SQR, SQC,

18   or DAT file embodies more than a trivial amount of the total protectable expression found in any one

19   of the registered works.

20   **REQUEST NO. 22:** **[Sic 32]**

21   Admit that each Environment identified in your responses to Interrogatories No. 20

22   and 21 as containing PeopleSoft-branded Oracle Enterprise Software contains a database that

23   embodies more than a *de minimis* or trivial amount of protectable expression from at least one of the

24   registered works.

25   **RESPONSE:**

26   *See* General Objections. Rimini Street further objects to this request as improper

27   under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission

28   on the legal significance of the term "more than a *de minimis* or trivial amount of protectable

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1   expression." Subject to those objections as well as Rimini's defenses of license, estoppel and waiver

2   and Oracle's course of conduct, Rimini Street responds: Denied-in-part and Admitted-in-part.

3   Rimini Street denies that each PeopleSoft Environment identified in its responses to Interrogatories

4   No. 20 and 21 contains an Oracle database. Rimini Street admits that, to the extent that a PeopleSoft

5   Environment identified in its responses to Interrogatories No. 20 and 21 actually includes an Oracle-

6   branded database component, said Oracle database component embodies more than a trivial amount

7   of protectable expression from at least one of the registered works.

8   **REQUEST NO. 23: [Sic 43]**

9   Admit that each Environment identified in your responses to Interrogatories No. 20

10   and 21 as containing J.D. Edwards-branded Oracle Enterprise Software contains at least 100 .c or .h

11   files.

12   **RESPONSE:**

13   See General Objections. Rimini Street further objects to this request as vague and

14   ambiguous. In responding, Rimini interprets the phrase "at least 100 .c or .h files" to mean

15   *collectively* at least 100 .c or .h files, as opposed to at least 100 files of each type. Subject to those

16   objections as well as Rimini's defenses of license, estoppel and waiver and Oracle's course of

17   conduct, Rimini Street responds: Admitted.

18   **REQUEST NO. 24:**

19   Admit that each Environment identified in your responses to Interrogatories No. 20

20   and 21 as containing J.D. Edwards-branded Oracle Enterprise Software contains at least 10 .c or .h

21   files, each of which embodies more than a *de minimis* or trivial amount of protectable expression

22   from at least one of the registered works.

23   **RESPONSE:**

24   *See* General Objections. Rimini Street further objects to this request as improper

25   under Fed. R. Civ. P. 36 as seeking a legal conclusion to the extent that Oracle seeks an admission

26   on the legal significance of the term "more than a *de minimis* or trivial amount of protectable

27   expression." Subject to those objections, Rimini Street denies that any single .c or .h file embodies

28   more than a trivial amount of the total protectable expression found in any one of the registered

1   works.

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4   DATED: Nov. 2, 2011   SHOOK, HARDY & BACON

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6   By: _/s/ Robert H. Reckers_____
                                                 Robert H. Reckers, Esq.
7   Attorney for Defendants
                                                 Rimini Street, Inc. and Seth Ravin
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CERTIFICATE OF SERVICE

2   I hereby certify that the foregoing Defendant's Responses and Objections to

3   Plaintiffs' Second Set of Requests for Admissions was served on the 2nd day of Nov. 2011, via

4   email, as indicated below.

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